

March 21, 2023

The Honorable Jesse M. Furman
United States District Judge for the Southern District of New York
Thurgood Marshall Courthouse
40 Centre Street, Room 2202
New York, NY 10007

Re: *Golden Unicorn Enterprises., Inc., et al.. v. Audible, Inc.*, 1:21-cv-7059-JMF

Your Honor:

The parties write to request the Court's approval of a procedure for moving to seal materials from Audible's Reply in Support of its Renewed Motion for Spoliation Sanctions, which is due to be filed on March 23, 2023. In support of its reply, Audible may file documents that Plaintiffs designated as "confidential" or "highly confidential" pursuant to the parties' Protective Order (ECF No. 44). Because Audible is still preparing its reply, it does not have a final set of documents that it intends to file in support.

On March 20, 2023, Audible notified Plaintiffs that it may file confidential and/or highly confidential documents, and the parties agreed on the below procedure, which is similar to the ones the Court approved for class certification briefing, Audible's motion for summary judgment, the parties' motion to exclude expert testimony, and Audible's Renewed Motion for Spoliation Sanctions. *See* ECF Nos. 127, 136, 161, 174, 183.

- **March 23, 2023:** Audible will file its Reply in Support of its Renewed Motion for Spoliation Sanctions. If the reply or supporting materials contain any confidential or highly confidential materials, then Audible will file the motion and all its supporting materials under seal. If the confidential/highly confidential materials include those designated by Audible, then Audible will file a motion to seal or redact those materials.
- **March 30, 2023:** Plaintiffs will file any letter-motion to seal their documents and send Audible any highlighted/redacted brief and/or exhibits.
- **March 31, 2023:** Audible will file public and redacted versions of the documents that Plaintiffs and/or Audible do not move to keep under seal, along with sealed versions of the documents the parties seek to keep under seal in their entirety or with highlights for proposed redactions.

The parties respectfully request that the Court grant the parties' proposal to allow Plaintiffs sufficient time to review and justify their needs to seal or redact any documents.

Respectfully Submitted,

/s/ Christopher R. Bagley

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Application GRANTED. The Clerk of Court is directed to terminate ECF No. 233.

SO ORDERED.



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